

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ROBERT BEHR,

Case No. 14-CV-3269 (PJS/FLN)

Plaintiff,

v.

ORDER

TOM ROY, MINNESOTA  
COMMISSIONER OF CORRECTIONS,  
individual capacity,

Defendant.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated October 6, 2014, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that

1. This action is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.
2. Plaintiff Robert Behr's application to proceed *in forma pauperis* [ECF No. 2] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

10/27/14

s/Patrick J. Schiltz

PATRICK J. SCHILTZ

United States District Court Judge